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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,737	12/19/2001	Paul Michael Kulseth	12105.6US01	9909
23552	7590	04/28/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			LE, DANH C	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 04/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,737	KULSETH ET AL.	
	Examiner	Art Unit	
	DANH C LE	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-35 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of 10/028737 in the reply filed on 12/06/04 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 16-19, 22-27, 30-35, 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubler (US 6,525,648).**

As to claim 16, Kubler teaches a method of deterring removal of a portable electronic device from a locality (col.1, line 44-col.2, line 5), the method comprising:

rendering operation of the portable electronic device dependent upon a given stimulus, so that the device is inoperable without at least some exposure for some time to the given stimulus;

providing a source of the stimulus within the locality; and

limiting transmission of the stimulus to a region of space within the locality (col.9, line 38-col.10, line 64).

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As to claim 17, Kubler teaches the method of claim 16, wherein step above (col.9, line 38-col.10, line 64) comprises:

preempting a power-up sequence, until exposure to the stimulus.

As to claim 18, Kubler teaches the method of claim 16, wherein the portable electronic device is a two-way radio, and wherein step above (col.9, line 38-col.10, line 64) comprises:

disabling reception of a radio signal, until exposure to the stimulus.

As to claim 19, Kubler teaches a method of claim 16, wherein the portable electronic device is a two-way radio, and wherein step above (col.9, line 38-col.10, line 64) comprises:

disabling transmission of a radio signal, until exposure to the stimulus.

As to claim 22, Kubler teaches the method of claim 16, wherein the stimulus is an identification code modulated against a radio frequency carrier signal (col.9, line 38-col.10, line 64).

As to claim 23, Kubler teaches the method of claim 16, wherein step (a) comprises interrupting an output of a voltage regulator that powers circuitry within the portable electronic device, until exposure to the stimulus (col.9, line 38-col.10, line 64).

As to claim 24, Kubler teaches the method of deterring removal of a portable electronic device from a locality (col.1, line 44-col.2, line 5), the method comprising:

rendering the portable electronic device incapable of properly operating after being powered down, without at least some exposure for some time to a given stimulus during a subsequent power-up sequence;

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providing a source of the stimulus within the locality, and
limiting transmission of the stimulus to a region of space within the locality (col.9, line 38-col.10, line 64).

As to claim 25, the limitation of the claim is the same limitation of claim 17; therefore, the claim is interpreted and rejected as set forth as claim 17.

As to claim 26, the limitation of the claim is the same limitation of claim 18; therefore, the claim is interpreted and rejected as set forth as claim 18.

As to claim 27, the limitation of the claim is the same limitation of claim 19; therefore, the claim is interpreted and rejected as set forth as claim 19.

As to claim 30, the limitation of the claim is the same limitation of claim 22; therefore, the claim is interpreted and rejected as set forth as claim 22.

As to claim 31, Kubler teaches the method of claim 16, wherein the portable electronic device is a two-way radio, the two-way radio being dependent upon said exposure to the given stimulus for operability (col.9, line 38-col.10, line 64).

As to claim 32, Kubler teaches the method of claim 31, wherein the given stimulus is transmission of a radio signal, the two-way radio including operational circuitry for reception and transmission of the radio signal (figure 4, 108).

As to claim 33, Kubler teaches the method of claim 32, wherein the two-way radio includes a power source that provides power to the operational circuitry (figure 4, 140).

As to claim 34, Kubler inherently teaches the method of claim 31, further including closing a stimulus-sensitive switch (power control change state ON or OFF

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when receiver the stimulus signal 136) of the two-way radio upon said exposure to the given stimulus, until such time as the radio is powered down, the stimulus-sensitive switch being interposed between a power source of the two-way radio and the operational circuitry.

As to claim 35, Kubler inherently teaches the method of claim 34, wherein the two-way radio further includes an on/off switch interposed between the power source and the operational circuitry (power control change state ON or OFF when receiver the stimulus signal 136).

As to claim 40, Kubler teaches the method of claim 34, wherein the stimulus-sensitive switch is configured to respond to exposure to a radio frequency signal (col.9, line 38-col.10, line 64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22, 29, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler in view of Watkins (US 6,150,948).

As to claim 22, Kubler teaches the method of claim 16, Kubler fails to teach the stimulus is an infrared signal. Watkins teaches the stimulus is an infrared signal (col.2, lines 48-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of infrared signal into the

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system of Kubler in order to enhance the system performance of the RFID for wireless communication.

As to claim 29, the limitation of the claim is the same limitation of claim 22; therefore, the claim is interpreted and rejected as set forth as claim 22.

As to claim 39, the limitation of the claim is the same limitation of claim 22; therefore, the claim is interpreted and rejected as set forth as claim 22.

4. Claims 21, 28, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler.

As to claim 21, Kubler teaches the method of claim 16, Kubler fails to teach the stimulus is a magnetic field. However, the examiner takes Official Notice that stimulus is a magnetic field is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of magnetic signals into the system of Kubler in order to enhance the system performance of the RFID for wireless communication.

As to claim 28, the limitation of the claim is the same limitation of claim 21; therefore, the claim is interpreted and rejected as set forth as claim 21.

As to claim 38, the limitation of the claim is the same limitation of claim 21; therefore, the claim is interpreted and rejected as set forth as claim 21.

Allowable Subject Matter

Claims 36, 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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As to claim 36, the combination of Kubler and Watkins fails to teach further including closing a first switch of the stimulus-sensitive switch in response to said exposure to the given stimulus and closing a second switch of the stimulus-sensitive switch in response to closure of the first switch.

Dependent claim 37 is allowable for the same reason.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Carrender et al (US 2002/0149468) teaches system and method for controlling remote devices.

B. Becker et al (US 6,726,099) teaches RFID tag having multiple transceiver.

C. Hosoi (US 2002/0039916) teaches portable telephone apparatus.

D. Lee (US 5,565,857) teaches electronic identification system having remote automatic response capability and automatic identification method thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Danh', is written over a horizontal line.

Danh C. Le

DANH CONG LE
PATENT EXAMINER